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EXAMINER
MIRZADEGAN, SAEED S

ART UNIT	PAPER NUMBER
2144	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

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PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/719,866	LIMONT ET AL.
	Examiner	Art Unit	
	Saeed S. Mirzadegan	2144	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) <u>22</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21, 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/ are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *06/29/2007*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Action is in regards to the Response received on 30 November 2007.

2.   As indicated in the Office Action dated 06/29/2007, the IDS dated 11/21/2003 has been considered by the Examiner. Please check form 1449 which is enclosed with this Office Action for the sake applicants of convenience.

3.   Applicant's Amendments, (see Amendments to Specifications filed 28 September 2007) with respect to the Specifications and Drawings have been fully considered and are persuasive. The Objections to the Specifications and Drawings have been withdrawn.

4.   Applicant's Amendments with respect to cancellation of claim 22 has been fully considered and is persuasive. The objection to claim 22 has been withdrawn.

5.   Applicant's Amendments with respect to claims 11-21 rejection under 35 U.S.C. 101 have been fully considered.

     a.   Claim amendments with respect to claim 11-21 are persuasive. The 35 U.S.C. 101 Rejections with respect to claims 11-21 have been withdrawn.

6.   Applicant's arguments with respect to claims 1-21, 23 have been considered but are moot in view of the following ground(s) of rejection.

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Claim Objections

8.   Claims 13, 21 are objected to because of the following informalities: claims 13 &

21 recite the term or limitation "computer storage readable medium" where it should

read "computer readable storage medium". Appropriate correction is required.

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

10.   Claims 23 is rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

11.   Claim 23 recites the limitation "the state of the client device" page 5, line 29.

There is insufficient antecedent basis for this limitation in the claim.

12.   Insofar as best understood, the claims are rejected over prior art as follows. For

the sake of applying the closest prior art below, the term (or limitation) "the state of the

client device" is being interpreted as meaning "a state of the client device". If the

applicant agrees with this interpretation they are invited to amend the claims to

positively recite, "a state of the client device" or if the applicant disagrees, the applicant

should present an alternate interpretation with clear arguments.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13.   **Claim 23** is rejected under 35 U.S.C. 102(b) as being anticipated by Reed et al.

(US PG Pub No. 20020095454).

14.   Regarding **Claim 23** Reed et al. disclose a method to provide a sync notification

to a client device comprising the steps of:

a.   Receiving notification that an event of interest has been received; (**[¶0023]

lines 14-17 & [¶0207], a notification is received that meets certain criteria

and therefore is of interest).**

b.   determining if a trackingGUID (globally unique identifier) equals a

syncGUID; (**[¶0209] lines 7-14, the values of the two identifiers are

compared).**

c.   wherein the syncGUID is updated after each successful device

synchronization of the client device (**[¶0209] lines 14-18, the version value is

updated as a result of successful sync)** and the tracking GUID is the last

known syncGUID (**[¶0209] lines 18-20, the version value is equal to that of

the existing object).**

d.   determining the state of the client device is not up-to-date when the

trackingGUID (globally unique identifier) equals the syncGUID, wherein the client

device has not performed a sync since a prior notification was processed and the

client device is not in the up-to-date state prior to the received notification

(**[¶0210] lines 1-9, a newer version value indicates not being up-to-date**);

e.   determining the state of the client device is up-to-date when the

trackingGUID (globally unique identifier) does not equals the syncGUID, wherein

the client device has performed a sync since the prior notification was processed

and the client device is in the up-to-date state prior to the received notification;

(**[¶0209] lines 14-20, not having a newer version indicates being up-to-

date);**

f.   sending the sync notification to the client device (**[¶0291] lines 45-48, the**

appropriate action (sync notification) is sent to the client), if the state of the

client device indicates the client device is in the up-to-date state prior to the

received notification (**[¶0209] lines 14-20, not having a newer version**

indicates being up-to-date); and

g.   not sending the sync notification to the client device (**[¶0291] lines 45-48,**

the appropriate action of deletion or inactivation of the recipient instance),

if the state of the client device indicates that the client device is not in the up-to-

date state prior to the received notification. (**[¶0210] lines 1-9, a newer version**

value indicates not being up-to-date).

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

16.   **Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reed et al. (US PG Pub No. 20020095454) in view of Border et al. (US PG Pub No.

20020071436) and further in view of Lemke (US PG Pub No. 20050086306).

17.   Regarding **Claim 1** Reed et al. disclose a method to provide a sync notification to

a client device comprising the steps of:

    a.   Receiving notification that an event of interest has been received; **([¶0023]**

lines 14-17 & [¶0207], a notification is received that meets certain criteria

and therefore is of interest.).

    b.   determining a state of the client device, said state indicating whether or

not the device has outstanding sync notifications **([¶0032] lines 1-6)**, said state

being determined based on trackingGUID and a syncGUID (**[¶0209] lines 7-14,**

based on comparison of the values of the two identifiers, the sync

determination is made); and

    c.   if the state of the client device indicates that the client device has no

outstanding sync notifications (**[¶0209] lines 7-20, the values of the two**

identifiers are compared to determine if a sync is in order):

    d.   wherein the syncGUID is updated after successful device synchronization

of the client device (**[¶0209] lines 14-18, the version value is updated as a**

result of successful sync);

e.   if the state of the client device indicates the client device has at least one

outstanding sync notification (**[¶0209] lines 7-20, the values of the two**

identifiers are compared to determine if a sync is in order):

f.   sending the sync notification to the client device (**[¶0291] lines 45-48, the**

appropriate action (sync notification) is sent to the client); and

g.   not sending the sync notification to the client device (**[¶0291] lines 45-48,**

the appropriate action of deletion or inactivation of the recipient instance)

h.   if the state of the client device indicates that the client device has at least

one outstanding sync notifications (**[¶0209] lines 7-20, the values of the two**

identifiers are compared to determine if a sync is in order).

18.   Regarding **Claim 1** Reed et al. do not teach,

i.   setting the trackingGUID equal to the syncGUID

j.   setting a timeout equal to a current time plus a predetermined value

k.   said timeout being used to determine the maximum time between sync

notifications.

19.   In the same field of endeavor, Lemke teaches setting two id's equal to each other

(**[¶0131]**).

20.   It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to combine Reed et al. Communications system and Lemke

teachings as discussed about to allow for the composite bandwidth schedule to

correspond to the latest possible data delivery schedule that satisfies both ID's or

variables.

21.   In the same field of endeavor, Border et al. teach,

    l.   setting a timeout equal to the current time plus a predetermined value

([¶0239] lines 7-8).

    m.   timeout being used to determine the maximum time between sync

notifications **([¶0239] lines 5-7, expiration time of timer indicates maximum**

length of time, [¶0291] lines 1-4, sync notification).

22.   It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to combine Reed et al. Communications system and Lemke

Providing background delivery of messages over a network with Border et al. teachings

as discussed about to allow for setting timeouts to make certain the other end

acknowledges notifications that are sent.

23.   Regarding **Claim 2** Reed et al. disclose:

    n.   sending the sync notification to the client device **([¶0291] lines 45-48, the**

appropriate action (sync notification) is sent to the client.).

    o.   if the trackingGUID equals the syncGUID **([¶0209] lines 7-14, the values**

of the two identifiers are compared.).

24.   Regarding **Claim 2** neither Reed et al. nor Boarder et al. teach, the current time is greater than the timeout.

25.   In the same field of endeavor, Lemke teaches the current time is greater than the timeout (**[¶0131]**).

26.   It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine Reed et al. Communications system and Boarder et al. Method and system for providing connection handling with Lemke teachings as discussed about to allow for the composite bandwidth schedule to correspond to the latest possible data delivery schedule that satisfies both ID's or variables.

27.   Regarding **Claim 3** neither Reed et al. nor Lemke teach, setting the timeout equal to the current time plus the predetermined value.

28.   Regarding **Claim 3** Border et al. disclose setting the timeout equal to the current time plus the predetermined value (**[¶0239]**).

29.   It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine Reed et al. Communications system and Lemke Providing background delivery of messages over a network with Boarder et al.

teachings as discussed above for detecting that a host has died when there is data

outstanding.

30.   Regarding **Claim 4** Reed et al. disclose receiving a device/user configuration file

having at least one of the syncGUID and the trackingGUID **([¶0209], receives a file**

(communication object) with at least one id (version value).).

31.   Regarding **Claim 5** Reed et al. disclose reading the at least one of the syncGUID

and the trackingGUID from the device/user configuration file **([¶0209], reading the id**

(version value) of the file (communication object) by comparing the value.).

32.   Regarding **Claim 6** neither Reed et al. nor Lemke disclose predetermined value

is fifteen minutes.

33.   In the same field of endeavor, Border et al. teach **([¶0236], a timer preset**

values ranging from minutes to hours. The value of 15 minutes it within the range

specified.).

34.   It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to combine Reed et al. communications system and Lemke

Providing background delivery of messages over a network with Border et al. teachings

as discussed above to allow for detecting that a host has died when there is data

outstanding.

35.   Regarding **Claim 7** neither Reed et al. nor Lemke disclose predetermined value

is in the range of one to two hours.

36.   In the same field of endeavor, Border et al. teach (**[¶0236], a timer preset

values ranging from minutes to hours. Therefore this includes range of 1 to 2

hours.).**

37.   It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to combine Reed et al. communications system and Lemke

Providing background delivery of messages over a network with Border et al. teachings

as discussed above to allow for detecting that a host has died when there is data

outstanding.

38.   Regarding **Claim 8** Reed et al. disclose wherein the step of sending the sync

notification comprises sending the sync notification using the SMTP (simple mail

transfer protocol) protocol (**[¶0023], sending the notification via email. Therefore the

protocol of transmission is SMTP.)**

39.   Regarding **Claim 9** Reed et al. disclose determining if the client device has

received the event of interest (**[¶0292], receiving an acknowledgement message that

indicates that the client received the event of interest.).**

40.   Regarding **Claim 10** Reed et al. disclose the steps of:

p.   Receiving notification that an event of interest has been received
comprises the step of receiving a trigger event ([¶0291] line 46) **notification is
triggered as a result of an event.**).

Claim Rejections - 35 USC § 103

41.   **Claims 11-13,17-21** are rejected under 35 U.S.C. 103(a) as being unpatentable
over Reed et al. in view of Lemke.

42.   Regarding **Claim 11** Reed et al. disclose, at least one computer readable
medium ([¶0029], [¶0548]) having computer executable instructions for providing a
sync notification to a client device, the computer executable instructions performing the
steps of:

q.   receiving notification that an event of interest has been received; **([¶0023]
lines 14-17 & [¶0207] a notification is received that meets certain criteria
and therefore is of interest.**).

r.   determining a state of the client device, said state indicating whether or
not the device has outstanding sync notifications ([¶0032] **lines 1-6**), said state
being determined based on trackingGUID and a syncGUID ([¶0209] **lines 7-14,
based on comparison of the values of the two identifiers, the sync
determination is made**); and

s.   sending the sync notification to the client device **([¶0291] lines 45-48, the
appropriate action (sync notification) is sent to the client.**).

t.   if the state of the client device indicates the client device has at least one

outstanding sync notification ([¶0209] **lines 7-20, the values of the two**

identifiers are compared to determine if a sync is in order); and

u.   not sending the sync notification to the client device if the state of the

client device indicates that the client device has at least one outstanding sync

notification ([¶0209] **lines 18-23, the object is discarded or other process**

takes place if the value indicates no sync is needed).

43.   Regarding **Claim 11** Reed et al. do not teach,

v.   the current time is greater than a timeout.

w.   the current time is less than a timeout.

44.   In the same field of endeavor, Lemke teaches the current time is greater than the

timeout as well as less than the timeout ([¶0131]), .

45.   It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to combine Reed et al. Communications system with Lemke

teachings as discussed about to allow for the composite bandwidth schedule to

correspond to the latest possible data delivery schedule that satisfies both ID's or

variables.

46.   Regarding **Claim 12** Reed et al. disclose performing the steps comprising

sending the sync notification to the client device sending the sync notification to the

client device (**[¶0291] lines 45-48, the appropriate action (sync notification) is sent to the client.**).

47.   Regarding **Claim 12** Reed et al. do not teach,

     x.   if the trackingGUID does not equal the syncGUID: setting the trackingGUID equal to the syncGUID

     y.   setting a timeout equal to the current time plus a predetermined value

48.   In the same field of endeavor, Lemke teaches setting two id's equal to each other if they are not (**[¶0131]**).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine Reed et al. Communications system and Lemke teachings as discussed about to allow for the composite bandwidth schedule to correspond to the latest possible data delivery schedule that satisfies both ID's or variables.

49.   In the same field of endeavor, Border et al. teach, setting a timeout equal to the current time plus a predetermined value (**[¶0239]**).

50.   It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine Reed et al. Communications system and Lemke Providing background delivery of messages over a network with Border et al. teachings

as discussed about to allow for setting timeouts to make certain the other end

acknowledges notifications that are sent.

51.   Regarding **Claim 13** Reed et al. disclose performing the steps comprising

determining if the trackingGUID equals the syncGUID (**[¶0209] lines 7-14, determining**

if the values of the two identifiers are equal by comparing them.).

52.   **Claims 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reed et al. and further in view of Lemke as applied to claim 11 above and further in

view of Border et al.

53.   Regarding **Claim 14** neither Reed et al. nor Lemke disclose performing the step

comprising setting a timeout equal to the current time plus a predetermined value.

54.   In the same field of endeavor, Border et al. teach, setting a timeout equal to the

current time plus a predetermined value (**[¶0239]**).

55.   It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to combine Reed et al. Communications system and Lemke

Providing background delivery of messages over a network with Border et al. teachings

as discussed about to allow for setting timeouts to make certain the other end

acknowledges notifications that are sent.

56.   Regarding **Claim 15** neither Reed et al. nor Lemke disclose predetermined value

is fifteen minutes.

57.   In the same field of endeavor, Border et al. teach (**[¶0236], a timer preset

values ranging from minutes to hours. The value of 15 minutes it within the range

specified.**).

58.   It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to combine Reed et al. communications system and Lemke

Providing background delivery of messages over a network with Border et al. teachings

as discussed above to allow for detecting that a host has died when there is data

outstanding.

59.   Regarding **Claim 16** neither Reed et al. nor Lemke disclose predetermined value

is in the range of one to two hours.

60.   In the same field of endeavor, Border et al. teach (**[¶0236], a timer preset

values ranging from minutes to hours. Therefore this includes range of 1 to 2

hours.**).

61.   It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to combine Reed et al. communications system and Lemke

Providing background delivery of messages over a network with Border et al. teachings

as discussed above to allow for detecting that a host has died when there is data outstanding.

62.   Regarding **Claim 17** Reed et al. disclose performing the step comprising receiving a device/user configuration file having at least one of the syncGUID and the trackingGUID (**[¶0209], receives a file (communication object) with at least one id (version value).).**

63.   Regarding **Claim 18** Reed et al. disclose performing the step comprising reading the at least one of the syncGUID and the trackingGUID from the device/user configuration file (**[¶0209], reading the id (version value) of the file (communication object) by comparing the value.).**

64.   Regarding **Claim 19** Reed et al. disclose sending the sync notification using the SMTP (simple mail transfer protocol) protocol (**[¶0023], sending the notification via email. Therefore the protocol of transmission is SMTP.)**

65.   Regarding **Claim 20** Reed et al. disclose determining if the client device has received the event of interest (**[¶0292], receiving an acknowledgement message that indicates that the client received the event of interest.).**

66.   Regarding **Claim21** Reed et al. disclose the step of Receiving notification that an

event of interest has been received comprises the step of receiving a trigger event

([¶0291] line 46) notification is triggered as a result of an event.).

Response to Arguments

67.   Applicant's arguments filed on 06/29/2007 have been carefully considered but

they are not deemed fully persuasive. However, because there exists the likelihood of

future presentation of this argument, the Examiner thinks that it is prudent to address

applicant's main point of contention. Applicant argues that neither Reed, Border or

Lemke, alone or in combination, discloses or makes obvious **determining a state of**

the client device, said state indicating whether or not the device has outstanding

sync notifications as recited in claim 1.

68.   The Examiner's position is that there does lay support within Reed to reject the

claims. Reed discloses ([¶0032] lines 1-6) that the state of client device is being

determined by the determination of whether the information has been updated or not

which requires comparison between the versions. If the device is not up-to-date and the

versions are not the same, it indicates that there has not been an updated which would

indicate that the device has outstanding sync notifications. Reed further discloses

sending the sync notification to the client device ([¶0291] lines 45-48, the appropriate

action (sync notification) is sent to the client), if the state of the client device indicates

the client device is in the up-to-date state prior to the received notification ([¶0209] lines

14-20, not having a newer version indicates being up-to-date thus there are no

outstanding sync notifications); and not sending the sync notification to the client device

([¶0291] lines 45-48, the appropriate action of deletion or inactivation of the recipient

instance), if the state of the client device indicates that the client device is not in the up-

to-date state prior to the received notification. ([¶0210] lines 1-9, a newer version value

indicates not being up-to-date thus there are outstanding sync notifications).Thus it is

the Examiners position that the 35 USC 103 rejection is proper.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of

relevant prior art.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Saeed S. Mirzadegan whose telephone number is 571-

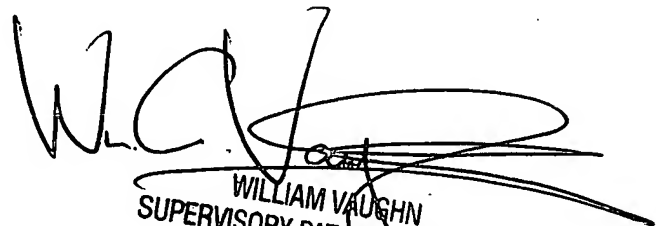270-3044. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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SSM

WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100